

THE WILL OF J. H. PAINE, THE MISER.

COL. ALLEN SAYS THAT HE DREW UP ONE.

AN AGREEMENT SIGNED BY ALL THE HEIRS—THE TESTATOR'S MENTAL CONDITION.

The testimony taken by Surrogate Rollins yesterday in regard to the question whether James H. Paine, the miser, left a will bequeathing his entire property to John H. Wardwell, tended to establish the claim of the latter.

John J. Colby, of Boston, the attorney for the Claggett, the heirs who contest the will, testified that in January last an agreement was executed at his office which was prepared by Colonel Ethan Allen by which Wardwell was to take one-half of the proceeds of Paine's estate, which was then supposed to be small. The agreement which was put in evidence was signed by all the heirs except Summer E. Claggett, who was afterward appointed one of the administrators. Wardwell at that time said nothing about the existence of a will.

Colonel Ethan Allen testified that he drew a will for Paine. He made one draft for a will on June 16, 1885, and a second draft about October 1 following. He said:

"I first had the name required in Mr. Paine's will, and I then added the other names. Our intentions were mostly of a professional nature and almost always related to the drawing up of wills. It was a simple case, and nothing of value was given him. He had been his best friend in life and more to him than his family. It was he who wished that his relatives should receive a fair share of his estate. He was very fond of the place in question, but never seemed willing to have it executed. 'I have noticed,' he said, 'that when a person makes a will it is put on trial, and the public gets dead and I want to be sure no publicity.'

Once he suggested giving the money outright to Wardwell, but the testator would not have it. It was a strong will and he let it record. Finally he decided to have the instrument made and to sign it up the paper. It was all done in his office, and he signed it in the presence of his wife and his son. He took this and went out and I never saw him again. The second draft was made out in the name of Mrs. Wardwell. The will in question, but never seemed willing to have it executed. 'I have noticed,' he said, 'that when a person makes a will it is put on trial, and the public gets dead and I want to be sure no publicity.'

Colonel Ethan Allen, on cross-examination, said that Paine seemed rational, but perhaps a little 'cranky.' He was easily deceived. He could never tell on one's signature if the man had written it or not. His son has the will and he let it record.

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declining to serve as any of the gentlemen who have already declined to act as chairman. But so much has been said in the last few days regarding treachery that we have been made to doubt, that I regard it as the duty of Republicans to find out if these charges are true. I have no acquaintance with Mr. Rice and but a few words of inquiry in a spirit of frankness. I shall do my best to investigate, and shall endeavor to make a just report on the evidence. I am confident that my associates on the committee are in accord with my views."

THE IRVING RUST ACCEPTED FOR THE PARK.

The Park Commissioners at a meeting yesterday accepted the bust of Washington Irving that has been presented to the city by Dr. Weimer. Mr. Beckman was appointed to select a suitable place for the bust. He said that he thought the colossal size of the bust was the cause of much of the difference of opinion in regard to its merit. The criticism of it as a work of art that had come to the Board was almost favorable. Many who knew Irving highly declared the bust was well worth the amount paid for it.

It was placed in the museum temporarily, because one of the by-laws of the Board requires that they shall remain at least five years before the bust is given to a permanent place of acceptance of an statue of him for Central Park.

The Board appointed John A. Emmons, independent of the Tweed ring, as General Inspector since July.

Stevenson Toole, sanitary engineer, was asked to inspect the drainage of Central Park and give his views to the Board regarding it.

Robert H. Roosevelt will be considered by the Board regarding it.

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A REMINDER OF SEVENTY-SIX.

MR. WHITE'S CURIOUS REVELATION.

From the Herald.

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